



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

86 Chambers Street  
New York, New York 10007

August 10, 2010

*So ordered.*

**BY FACSIMILE**

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007-1312

*Alvin K. Hellerstein*  
Aug. 12, 2010

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

We write respectfully to request a stay through September 13, 2010, of the Government's obligation to disclose an intelligence method contained in two memoranda from the Department of Justice Office of Legal Counsel ("OLC"). We have consulted with the ACLU and it consents to this request.

On December 29, 2009, the Court issued an order with respect to the fourth motion for summary judgment. The Court's order upheld most of the Government's limited redactions to the two OLC memoranda, but required the Government to disclose certain information. On January 15, 2010, plaintiffs filed a motion for reconsideration of the December 29, 2009 order which sought, *inter alia*, the disclosure of other information withheld from the same two OLC memoranda.

By order and Opinion filed July 15, 2010, the Court denied the plaintiffs' motion for reconsideration (the "Opinion"). The Government respectfully requests a stay of that disclosure obligation through September 13, 2010, to permit the Government sufficient time to reach a decision regarding whether to appeal the disclosure order; in this connection, this Office has already been in active consultation with the Department of Justice Civil Division Appellate staff in Washington D.C. regarding this Court's December 29, 2009 order and the current status of this case.

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Hon. Alvin K. Hellerstein  
August 10, 2010

We thank the Court for its consideration of this request.

Respectfully submitted,

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